



Stephen L. Saxl
Tel.: (212) 801-2184
Fax: (212) 805-9371
saxls@gtlaw.com

December 31, 2012

VIA ECF

The Honorable Eric N. Vitaliano
The Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Yehuda Katz v. ABP Corporation*, CV 12-4173 (E.D.N.Y.) (ENV) (RER)

Dear Judge Vitaliano and Magistrate Judge Reyes:

The parties write jointly to request that the Court (i) adjourn the Initial Conference scheduled for January 8, 2013 pending the determination of Defendant ABP Corporation’s (“ABP”) motion to dismiss the First Amended Complaint (the “Amended Complaint”) and (ii) approve the parties’ proposed briefing schedule on ABP’s motion to dismiss in lieu of conducting a pre-motion conference.

By way of background, on November 9, 2012, ABP submitted a pre-motion conference letter requesting permission to file a motion to dismiss the original Complaint in this action. In response, Plaintiff Yehuda Katz (“Plaintiff”) requested permission to amend the Complaint *prior to* ABP serving its motion to dismiss. ABP did not oppose that request, and the Court permitted Plaintiff to file an amended complaint. Accordingly, on December 13, 2012, Plaintiff filed the First Amended Complaint. On December 21, 2012, ABP submitted a pre-motion conference letter requesting permission to file a motion to dismiss the Amended Complaint.

The parties have conferred and agree that the most efficient way to proceed at this point is for the parties to brief ABP’s motion to dismiss the Amended Complaint, to stay all discovery pending the determination of the motion to dismiss, and to adjourn the Initial Conference pending the determination of the motion to dismiss. This is the parties’ first such request.

Accordingly, the parties propose that the Court adjourn the Initial Conference scheduled for January 8, 2013 and approve the following briefing schedule on ABP’s motion to dismiss:

- ABP to file its motion to dismiss on or before January 24;
- Plaintiff to file opposition to ABP’s motion to dismiss on or before February 13; and
- ABP to file reply papers on or before February 27.

Respectfully,

/s/ Stephen L. Saxl
Stephen L. Saxl

cc: Shimshon Wexler, Esq. (via ECF)